

BOARD OF SUPERVISORS

MINUTES

March 8, 2006

Supervisors in Attendance:

Mr. R. M. "Dickie" King, Jr.,
Chairman
Mr. Kelly E. Miller, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny Bush Humphrey
Mr. Arthur S. Warren

Mr. Lane B. Ramsey,
County Administrator

**School Board Members
in Attendance:**

Mr. Marshall W. Trammell, Jr.,
Chairman
Ms. Elizabeth Davis, Vice Chrm.
Mr. Tom Doland
Dr. James R. Schroeder

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. J. Edward Beck,
Asst. Dir., Utilities
Dr. Billy K. Cannaday, Jr.,
Supt., School Board
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Jonathan Davis,
Real Estate Assessor
Mr. Wilson Davis, Dir.,
Economic Development
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. Robert Eanes, Asst.
to County Administrator
Ms. Lisa Elko, CMC,
Clerk
Ms. Kelly Fried, Strategic
Mgr., Mental Health/Mental
Retard./Substance Abuse
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Chief Paul Mauger,
Fire and EMS Dept.
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development

Mr. Mike Westfall, Asst.
Dir., Internal Audit

Mr. King called the regularly scheduled meeting to order at 3:40 p.m.

1. APPROVAL OF MINUTES FOR FEBRUARY 22, 2006 (REGULAR MEETING) AND FEBRUARY 23, 2006 (LEGISLATIVE RECEPTION)

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the minutes of February 22, 2006 and February 23, 2006, as submitted.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

O LEGISLATIVE UPDATE

Ms. Curtin provided an update on General Assembly activities. She stated all of the county's bills have completed the process and passed resoundingly. She further stated Senate Bill 393, which changed the multiplier for the benefit for public safety officers, was left in committee, and the eminent domain bills will end up in a conference committee. She provided the Board with an overview of the House and Senate transportation plans. She stated, if nothing changes with transportation funding, the county will receive approximately \$16 million in secondary road funds over the next four years. She stated Governor Warner's introduced budget would have anticipated approximately \$21.6 million for secondary roads for Chesterfield over the next four years, and Governor Kaine's changes would increase that to approximately \$43 million. She further stated the House plan would result in approximately \$21.1 million for Chesterfield's secondary roads over the next four years, and the Senate plan, approximately \$54.2 million. She noted Mr. McCracken has indicated that \$54 million would only improve approximately nine miles of secondary road.

Mr. Warren stated he participated in a VACo conference call earlier today regarding the transportation plans. He further stated the Senate plan represents a considerable increase over what the county normally receives over a four-year period. He stated the House plan is primarily front-end loaded, with general funds that would not necessarily recur after four years. He further stated the Senate plan would rely on additions to existing taxes. He stated there are \$108 billion in unmet transportation needs in the state over the next 20 years. He noted the Senate plan would add \$1 billion per year statewide in new funding, indicating that there would still be a tremendous shortfall with the Senate plan. He stated the conclusion of the conference call was that the state's transportation system is broken today.

Mr. Barber inquired whether the Board should communicate the county's position relative to the transportation proposals.

Mr. Miller expressed concerns relative to the transfer of road building and maintenance responsibilities from the Virginia Department of Transportation to localities.

Ms. Curtin stated the Richmond District's share of secondary road funding would clearly decrease under the House's proposal.

Mr. Warren stated it was mentioned during the conference call that Governor Kaine has indicated this is the only year transportation issues will be emphasized, and education, public safety, and other issues will be addressed in subsequent years. He further stated the Governor wants a transportation package to be approved this year, even if it requires a special session after the General Assembly concludes, and it is likely there will be a compromise between the Senate, House and Governor's transportation proposals.

Mr. King stated the proposed funding is still a very insignificant amount to meet localities' needs; therefore, the burden is still being placed on local jurisdictions.

Mr. Warren stated other localities have indicated they will use the state funding as seed money to provide leverage for bond referendums to do more in terms of transportation.

Mr. Barber expressed concerns that the Richmond Region would receive only 4.3 percent of the funding under the House plan, as opposed to 12 percent under the Senate plan. He suggested that the Board consider taking action to communicate the county's support of the Senate plan.

Mr. King stated he would prefer to discuss the issue further prior to taking a position on the proposals.

Mr. Miller stated he is reluctant to endorse the Senate plan without additional details of the plans.

In response to Mrs. Humphrey's question, Ms. Curtin stated Fauquier and Spotsylvania Counties received impact fee authority under the existing Northern Virginia code section, which the County Attorney has determined would not be functional for Chesterfield. She further stated the City of Suffolk attempted to gain impact fee authority under the same code section, but the bill died in committee.

Mrs. Humphrey requested that Ms. Curtin provide the Board with a written explanation of the impact fee authority granted to Spotsylvania and Fauquier Counties and also a written opinion from the County Attorney as to why the code section that allows impact fee authority in Northern Virginia is not functional for Chesterfield.

In response to Mr. Warren's question, Ms. Curtin stated when House Bill 1192 went to the Senate floor, the language of House Bill 1610 was added to it, giving localities the authority to say no to development based upon inadequate transportation. She noted this bill is still sitting on the Senate floor and has been passed by for the day for three days in a row.

Mr. King thanked Ms. Curtin for keeping the Board informed on General Assembly activities.

3. BOARD COMMITTEE REPORTS

Mr. Warren updated the Board on the tremendous progress being made at Richmond International Airport. He stated total passengers increased by 16.3 percent in 2005, indicating that the national average was only one percent. He further stated Air Tran began service last year and Jet Blue will begin service March 31st, and because of competition with low-cost carriers, fares at Richmond International have dropped by 50 percent overall.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board added Item 8.C.12., Request to Quitclaim a Twenty-Foot Ingress/Egress Easement Across the Property of Swift Creek, LLC, a Virginia Limited Liability Company; added Item 10.B., Closed Session Pursuant to Section 2.2-3711.A.5., Code of Virginia, 1950, as Amended, for Discussion Concerning a Prospective Business in the County Where No Previous Announcement Has Been Made of a Decision by the Business to Locate in the County; and adopted the Agenda, as amended.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this time.

6. WORK SESSION

o THE COUNTY ADMINISTRATOR'S FY2007 PROPOSED BUDGET INCLUDING PRESENTATIONS FROM THE SCHOOL BOARD AND THE MANAGEMENT SERVICES DIVISION

SCHOOL BOARD

Mr. Trammell stated the FY2007 and FY2008 budgets adopted by the School Board on February 28th were based on action taken by the Board of Supervisors on the lowering of the tax rate by one cent each year for 2006, 2007 and 2008. He requested the Board's commitment to its methodical plan for tax reductions; rather than trying to leapfrog tax reductions, to allow for long-term planning for the School Board to address long-standing issues. He acknowledged the historic increase in state revenue to fund schools, indicating that the revenue is outpacing inflation and the rate of student growth and will allow the School Board to address longstanding deficits in areas such as teacher compensation, transportation, and maintenance. He expressed concerns relative to reduction of retiree health benefits for current employees and elimination for new employees, indicating that health and retirement benefits used to be among the best strategies for teacher

recruiting. He also expressed concerns that state required Standards of Learning assessments, federal mandates for special education and the "No Child Left Behind" Act have never been fully funded by either entity. He further stated the School Board has taken over additional costs from the county in the past several years; including the provision of police officers and nursing staff for schools. He requested the Board's patience in implementation of a real estate tax reduction at the rate of one percent per year over the next several years. He then introduced Dr. Cannaday to provide an overview of the School Board's approved FY2007-FY2008 budget.

Dr. Cannaday reviewed school and student successes as a result of the focus of past budgets on 21st century competence. He stated the FY2007 and FY2008 budgets will focus on ensuring that all students are prepared for their extended futures beyond high school. He reviewed current investment allocations and provided details of increased revenue for FY2006-FY2008 and the status of FY2007 revenue. He expressed concerns that both the House and Senate budgets contain actions resulting in loss of revenue or increases in required expenditures, which will result in a \$1 million negative impact over the next two years. He reviewed investment allocations for FY2007 and FY2008; teacher funding status from 1994-2005; and state, federal and local requirements in various areas. He provided details of various school/community expectations regarding compensation of employees. He reviewed teacher salaries from 2001-2002 and 2005-2006; approved teacher salaries for 2006-2007; and planned teacher salaries for 2007-2008 and 2008-2009. He provided details of the costs associated with various school/community expectations for FY2007 and FY2008. He stated the School Board's adopted FY2007 Operating Budget totals \$520,146,800 and the FY2008 Operating Budget totals \$552,064,300. He thanked the Board for its continued support in the investment of education.

Discussion ensued relative to the necessity of preparing school children for a variety of new skills.

In response to Mr. Miller's question, Dr. Cannaday stated the \$43.1 million increase in state funding from FY2006 to FY2007 was a result of a Joint Legislative Audit Review Commission (JLARC) study regarding unfunded minimum costs associated with Standards of Quality over the past five years.

Mr. Barber noted the significance of a quality school system attracting economic development.

Mr. King stated upcoming growth at Fort Lee as a result of the BRAC realignment will tremendously challenge schools in the county, perhaps even more so than other school systems in the region. He recognized members of the School Board who were present at the meeting and thanked them for their attendance.

In response to Mrs. Humphrey's question, Dr. Cannaday stated, at the highest point, there were approximately 50 students attending county schools who were displaced by Hurricane Katrina. He further stated he will provide Board members with data relative to the distribution of these students among county schools.

MANAGEMENT SERVICES DIVISION

Mr. Stegmaier provided an overview of the proposed FY2007 budget for the Management Services Division. He stated the total Management Services budget for FY2007 is \$94.5 million. He provided details of major increases in the areas of salaries and benefits; risk management costs; fuel and energy; vehicle maintenance and replacement; increased regional jail inmate days; waste and resource recovery contracts; and the cost of maintaining and providing utilities for new buildings. He stated Management Services' scores on the Organizational Climate Assessment in the areas of values and ethics speak highly about the county's leadership. He reviewed staffing ratios; growth in total expenses and other uses compared with full-time employees in the General Accounting Section; Purchasing annual cost avoidance totals for FY2000-FY2005; parcels per employee from 2003-2005 in the Real Estate Assessment office; Internal Audit cost savings to budget; hours saved from process improvements in Accounting; maintenance and repair expenditures; Management Services customer service evaluations; and customer service responses for various departments. He stated Management Services employee scores on the Organizational Climate Assessment in the area of employer of choice are higher than those for select high performance organizations and have consistently improved over the past six years in every dimension. He reviewed the number of Workers' Compensation reports in Risk Management from FY1995-FY2006; and availability of school buses as a result of the county's maintenance contract with schools. He stated the Real Estate Assessor's web site has virtually eliminated walk-in business in the Assessor's office. He reviewed data relative to the dramatic increase in Purchasing activity with Chesterfield, minority, and women owned businesses. He stated a variety of programs in Waste and Resource Recovery have been highly successful. He provided details of statewide and international environmental certifications that have been earned by Fleet Management and Utilities. He stated budgetary challenges include improved technology; increased energy costs; implementation of enterprise-wide financial and human resource systems; and resources for central administrative functions.

Mr. Miller thanked Mr. Stegmaier for his thorough presentation and stated he is appreciative of the good leadership that has led to positive results in Management Services.

Mr. King thanked Mr. Stegmaier for his informative presentation.

Mr. Miller excused himself from the meeting.

7. DEFERRED ITEM

O STREETLIGHT INSTALLATION COST APPROVAL DEFERRAL

On motion of Mr. King, seconded by Mr. Warren, the Board approved a request for a streetlight installation in the vicinity of 2405 Arrowfield Road in the Bermuda District, at a cost of \$2,503.70.

Ayes: King, Barber, Humphrey and Warren.

Nays: None.

Absent: Miller.

8. NEW BUSINESS

8.A. STREETLIGHT INSTALLATION COST APPROVALS

On motion of Mr. Barber, seconded by Mr. King, the Board approved the following requests for streetlight installations:

Bermuda District

- DuPont Square Subdivision, in the vicinity of 2817 Brampton Drive, on the existing pole
Cost to install streetlight: \$112.68

Midlothian District

- Michaux Creek Subdivision, at the intersection of Michaux View Way and Michaux View Terrace
Cost to install streetlight: \$805.00
- Michaux Creek Subdivision, vicinity of 14139 Michaux View Way
Cost to install streetlight: \$805.00
- Michaux Creek Subdivision, at the intersection of Michaux View Way and Michaux View Court
Cost to install streetlight: \$805.00

Ayes: King, Barber, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B. APPOINTMENT

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board suspended its rules at this time to allow for simultaneous nomination/reappointment of members to serve on the Chesterfield Community Services Board.

Ayes: King, Barber, Humphrey and Warren.

Nays: None.

Absent: Miller.

O CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. King, the Board simultaneously nominated/reappointed Ms. Frances Hayes Brown, representing the Matoaca District; and Ms. Gayle K. Skibinski and Mr. Ivan K. Tolbert, representing the county at-large, to serve on the Chesterfield Community Services Board, whose terms are effectively immediately and expire December 31, 2008.

Ayes: King, Barber, Humphrey and Warren.

Nays: None.

Absent: Warren.

Mr. Miller returned to the meeting.

8.C. CONSENT ITEMS

8.C.1. STATE ROAD ACCEPTANCE

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Branders Creek Drive**

● **Branders Creek Drive, State Route Number: 5909**

From: **Ironbridge Rd., (Rt. 10)**

To: **Cul-de-sac, a distance of: 0.13 miles.**

Right-of-way record was filed on 6/11/1992 with the Office Of Clerk To Circuit Court in Db. 2238 Pg.

1356, with a width of 96 feet

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, Developer Project Adjustment**

Statutory Reference: **§33.1-229**

Project: **Court Yard Road; Remainder of**

● **Court Yard Road, State Route Number: 5811**

From: **Ironbridge Rd., (Rt. 10)**

To: **0.20 mi. west to cul-de-sac, a distance of: 0.20 miles.**

Right-of-way record was filed on 1/23/2003 with the Office Of Clerk To Circuit Court in Db. 4877 Pg.

956, with a width of 60 feet

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.2. DONATION OF OUT-OF-SERVICE FIRE TRUCK TO BON AIR VOLUNTEER FIRE DEPARTMENT

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved the donation of an out-of-service fire truck to Bon Air Volunteer Fire Department.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.3. ADOPTION OF RESOLUTIONS

8.C.3.a. RECOGNIZING MR. CHRISTOPHER ALAN HATHCOCK UPON ATTAINING RANK OF EAGLE SCOUT

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and

outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Christopher Alan Hathcock, Troop 178, sponsored by Ivey Memorial United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Christopher has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Mr. Christopher Alan Hathcock, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as one of its citizens.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.3.b. RECOGNIZING MS. PATRICIA F. NOBLE, UTILITIES DEPARTMENT, UPON HER RETIREMENT

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Ms. Patricia F. Noble will retire from Chesterfield County Utilities Department on March 24, 2006; and

WHEREAS, after working as the Senior Analyst in charge of the Records Management Department with Best Products Company, Incorporated for ten years, Ms. Noble brought her extensive knowledge and skills to Chesterfield County and began her public service on August 14, 1989, as the Engineering Data Manager for the Utilities Department; and

WHEREAS, from 1989 to 2006, Ms. Noble brought Chesterfield County Utilities into the new millennium as a leader in information systems, geographic information systems, mapping, electronic document management, records management and customer service; and

WHEREAS, as the Engineering Data Manager, Ms. Noble stressed professional development, education, continuing education and participation with professional associations for all staff members, and her staff serves on the executive board for all three records and information management associations; and

WHEREAS, since 1985, Ms. Noble has served the Association of Records Managers and Administrators as a member, an Executive Board Member, Richmond Chapter President and Outstanding Member of the Year, a Region Coordinator and

the Mid-Atlantic Region Manager, and continues to serve ARMA at the national level; and

WHEREAS, since 1986, Ms. Noble has served the Virginia Association of Government Archives and Records Administrators as a member, on the Executive Board and as President and Outstanding Member of the Year, and in 2005 was elected by the membership to serve a second tenure as the Association President, this distinction being held by only two individuals in the 26-year history of the association; and

WHEREAS, since 1989, Ms. Noble has served the Association of Image and Information Management as a member, on the Executive Board, the Old Dominion Chapter President and Past President; and

WHEREAS, from 1991, Ms. Noble served the American Water Works Association as a member and the Chair of the Education Committee; and

WHEREAS, throughout her career, Ms. Noble has displayed aptitude, attitude, attention to detail and a unique ability to plan for the future, that has made Engineering Data Management a progressive, well-run, well-trained cohesive team.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Ms. Patricia Noble and extends on behalf of its members and the citizens of Chesterfield County, appreciation for her more than 16 years of exceptional service to the county.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

8.C.3.c. HONORING THE LATE SERGEANT SEAN MILES, UNITED STATES MARINE CORPS FOR HIS SELFLESS SACRIFICE AND SERVICE TO HIS COUNTRY

On motion of Mr. Barber, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, America currently is at war with insurgents who are dedicated to fighting against the establishment of democracy in Iraq; and

WHEREAS, this military operation is being conducted to free the people of Iraq from years of tyranny, to bring democracy to Iraq, and to make the United States, and the world, safer; and

WHEREAS, among the thousands of military personnel mobilized for this war effort have been scores of Chesterfield County residents who serve in the active and reserve components of the various military services; and

WHEREAS, Sergeant Sean Miles, United States Marine Corps, answered the call to duty in Iraq unflinchingly and honorably; and

WHEREAS, Sergeant Miles was a graduate of Clover Hill High School in Chesterfield County; and

WHEREAS, Sergeant Miles was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, based at Camp Lejeune, North Carolina; and

WHEREAS, Sergeant Miles had told his family that he believed in what U. S. forces were in Iraq doing, and wanted to be part of that effort; and

WHEREAS, on January 24, 2006, while conducting combat operations in Karmah, Iraq, Sergeant Miles was killed by small-arms fire; and

WHEREAS, Sergeant Miles' final act was that of pulling a fellow Marine to safety; and

WHEREAS, it is appropriate to recognize the extraordinary courage, patriotism, and commitment of Sergeant Miles, and also the great sacrifice of his family and of all who knew and loved him.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, with the utmost respect, hereby honors the late Sergeant Sean Miles, United States Marine Corps, and also recognizes the courage and sacrifice of his family, expresses its heartfelt gratitude for his selfless service, and humbly thanks his family for sharing this dedicated young man with us, and with freedom-loving people everywhere.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.4. AUTHORIZATION TO EXERCISE EMINENT DOMAIN

8.C.4.a. FOR THE ACQUISITION OF EASEMENTS FOR THE ROUTE I - PHASE IV WATERLINE PROJECT FROM PANKAJ K. PATEL, ASHA P. PATEL, BHARATKUM I. PATEL AND BHAVANA B. PATEL

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections 15.2-1904 and 1905 of the Code of Virginia, on the property of Pankaj K. Patel, Asha P. Patel, Bharatkum I. Patel and Bhavana B. Patel, PINS: 79965190300000 and 799651971800000, for the acquisition of easements for the Route I - Phase IV Waterline Project.

And, further, the Board instructed the County Administrator to notify the owner by certified mail on March 10, 2006, of the county's intention to take possession of the easements. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.4.b. FOR THE ACQUISITION OF EASEMENTS FOR THE ROUTE I -
PHASE IV WATERLINE PROJECT FROM HERBERT LEE HILL,
JR.**

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections 15.2-1904 and 1905 of the Code of Virginia, on the property of Herbert Lee Hill, Jr., PIN: 800644988900000, for the acquisition of easements for the Route I - Phase IV Waterline Project.

And, further, the Board instructed the County Administrator to notify the owner by certified mail on March 10, 2006, of the county's intention to take possession of the easements. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.5. APPROVAL OF LEASE OF THE GREENFIELD COMMUNITY
ASSOCIATION COMMUNITY BUILDING TO OPERATE A TEEN
CENTER**

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized the County Administrator to enter into a lease agreement with the Greenfield Community Association for the use of the Greenfield Community Association Building to operate a teen center from July 5, 2006 to August 4, 2006. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.6. REQUESTS FOR PERMISSION

**8.C.6.a. FROM CALDWELL REESE ENTERPRISES, LLC TO INSTALL A
PRIVATE WATER SERVICE WITHIN A PRIVATE EASEMENT TO
SERVE PROPERTY ON JEFFERSON DAVIS HIGHWAY**

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Caldwell Reese Enterprises, LLC, for permission to install a private water service within a private easement to serve property at 12301 Jefferson Davis Highway, and authorized the County Administrator to execute the water connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.6.b. FROM RONA E. EVANS FOR A PROPOSED FENCE TO ENCROACH
WITHIN AN EIGHT-FOOT EASEMENT AND A TWENTY-FIVE
FOOT SEWER AND DRAINAGE EASEMENT ACROSS LOT 25,
KINGSLAND GLEN, SECTION 1**

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Rona E. Evans for permission for a

proposed fence to encroach within an 8-foot easement and a 25-foot sewer and drainage easement across Lot 25, Kingsland Glen, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.6.c. FROM BARTHOL DESIGN ASSOCIATES, P.C. TO INSTALL PRIVATE SEWER AND WATER SERVICES WITHIN PRIVATE EASEMENTS TO SERVE TOWNHOUSES IN THE VILLAS AT DOGWOOD, SECTION A

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Barthol Design Associates, P.C. for permission for Dogwood Villas, Incorporated to install private sewer and water services within private easements to serve townhouses in The Villas at Dogwood, Section A, and authorized the County Administrator to execute the sewer and water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.6.d. FROM AMBERLEIGH, LLC TO INSTALL PRIVATE SEWER AND WATER SERVICES WITHIN PRIVATE EASEMENTS TO SERVE TOWNHOUSES IN AMBERLEIGH, SECTION 3 AND A RESUBDIVISION COMMON AREA "A", SECTION 2

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Amberleigh, LLC for permission to install private sewer and water services within private easements to serve townhouses in Amberleigh, Section 3 and a Resubdivision Common Area "A", Section 2, and authorized the County Administrator to execute the sewer and water connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.6.e. FROM KEVIN W. AND BRIDGET M. HAZEL FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT 34, RUTHERFORD VILLAGE AT CHARTER COLONY

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Kevin W. Hazel and Bridget M. Hazel for permission for a proposed fence to encroach within an 8-foot easement across Lot 34, Rutherford Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.6.f. FROM STEPHEN C. THOMPSON, JR. AND DAVID S. RYDER
FOR A CONCRETE DRIVEWAY, WOODEN STOOP, STEPS AND
LANDING TO ENCROACH WITHIN A TWENTY-FOOT SEWER
EASEMENT ACROSS LOT 34, MALLORY VILLAGE SECTION A
AT CHARTER COLONY**

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Stephen C. Thompson, Jr. and David S. Ryder for permission for a concrete driveway, wooden stoop, steps and landing to encroach within a 20-foot sewer easement across Lot 34, Mallory Village Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.6.g. FROM SUSAN AND RITA PRATHER FOR A PROPOSED FENCE TO
ENCROACH WITHIN AN EIGHT-FOOT EASEMENT ACROSS LOT
77, EDGEWATER AT THE RESERVOIR, SECTION 4**

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Susan Prather and Rita Prather for permission for a proposed fence to encroach within an 8-foot easement across Lot 77, Edgewater At The Reservoir, Section 4, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.7. AWARD OF CONSTRUCTION CONTRACT TO GODSEY AND SON,
INCORPORATED FOR THE ROUTE 1 AND 301 PHASE IV WATER
LINE REPLACEMENT PROJECT**

On motion of Mr. Barber, seconded by Mr. Warren, the Board awarded a construction contract to Godsey and Son, Incorporated, in the amount of \$3,991,616.45, for County Project Number 96-0175R, Route 1 and 301 Phase IV Water Line Replacement Project.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**8.C.8. REQUESTS TO AID IN THE ACQUISITION OF OFFSITE RIGHT
OF WAY**

8.C.8.a. FOR WESTERLEIGH

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized Right of Way staff to aid Westerleigh, LLC in the acquisition of offsite right of way for Westerleigh, LLC in the acquisition of offsite right of way for Westerleigh, LLC, subject to the developer executing a contract to pay all costs. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.8.b. FOR RAMBLEWOOD FOREST

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized Right of Way staff to aid Boyd Corporation in the acquisition of offsite right of way for Ramblewood Forest, subject to the developer executing a contract to pay all costs. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.9. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE ACROSS COUNTY PROPERTY FOR THE LUCY CORR MODEL HOME COTTAGE SITE

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable across county property for the Lucy Corr model home cottage site. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.10. APPROVAL OF A REQUEST FROM LEE A. AND CHERYL B. FARMER FOR AN EXCEPTION TO THE USE OF PUBLIC WATER FOR A PROPOSED RESIDENTIAL STRUCTURE LOCATED ON BELMONT ROAD

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved a request from Lee A. and Cheryl B. Farmer for an exception to the use of public water for a proposed residential structure located at 7552 Belmont Road (County Project Number 06-0031). (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.11. ACCEPTANCE OF FOUR PARCELS OF LAND FROM J. MARK AND DEBORAH K. SOWERS FOR THE DEVELOPMENT OF HARPER'S MILL

On motion of Mr. Barber, seconded by Mr. Warren, the Board accepted the conveyance of four parcels of land, containing a total of 43.652 acres, from J. Mark Sowers and Deborah K. Sowers for the development of Harper's Mill, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

8.C.12. REQUEST TO QUITCLAIM A TWENTY-FOOT INGRESS/EGRESS EASEMENT ACROSS THE PROPERTY OF SWIFT CREEK, LLC, A LIMITED LIABILITY COMPANY

On motion of Mr. Barber, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 20-foot ingress/egress easement across the property of Swift Creek, LLC, a Virginia limited liability company. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

O COLONEL RONALD E. HALL REQUESTED THE OPPORTUNITY TO SPEAK TO THE BOARD TO DISCUSS THE CHARTER FLIGHT IN DECEMBER 2005

Colonel Ronald Hall expressed concerns that he was not allowed to speak at the February 22nd Board of Supervisors meeting regarding the charter flight taken by Mr. Ramsey because his request to speak was not received prior to the deadline, yet the Chamber of Commerce was allowed to speak to the issue at the Chairman's prerogative. He inquired why members of the Board of Supervisors demanded Mr. Ramsey's return, indicating that crisis management is one of the duties of Board members. He also inquired why Mr. King flew to Kansas, indicating that electronic communications are used around the world to solve problems much larger than this. He stated it is imperative that the county reassess the methods it will use in the future regarding problem solving procedures. He inquired why public comments were muted at the last Board meeting, yet the Chamber of Commerce was allowed to make a presentation. He expressed concerns that some members of the Board may still believe that sound judgments were made surrounding this issue. He stated he believes it is time for a charter change in one of two ways: 1) allow an independent chief executive to run the county so as to provide the necessary checks and balances between the executives and the Board; or 2) if citizens want to keep the current organization structure in place, allow an independently elected inspector general, whose mission would be to question expenditures and issues of entitlement, thus protecting against waste and abuse. He thanked Mr. Warren for providing a reasonable degree of oversight in this matter and stated the public does not believe the county has lived up to its goal of being exemplary stewards of the public trust.

10. REPORTS

10.A. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board accepted a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

**10.B. CLOSED SESSION PURSUANT TO SECTION 2.2-3711.A.5.,
CODE OF VIRGINIA, 1950, AS AMENDED, FOR DISCUSSION
CONCERNING A PROSPECTIVE BUSINESS IN THE COUNTY WHERE
NO PREVIOUS ANNOUNCEMENT HAS BEEN MADE OF A DECISION
BY THE BUSINESS TO LOCATE IN THE COUNTY**

On motion of Mr. Miller, seconded by Mr. Barber, the Board went into Closed Session pursuant to Section 2.2-3711.A.5., Code of Virginia, 1950, as amended, for discussion concerning a prospective business in the county where no previous announcement has been made of a decision by the business to locate in the county.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

Reconvening:

On motion of Mr. King, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Barber: Aye.
Ms. Humphrey: Aye.
Mr. Warren: Aye.
Mr. Miller: Aye.
Mr. King: Aye.

11. DINNER

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502, for dinner with members of the School Board.

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

Reconvening:

12. INVOCATION

Reverend Patricia Daniel, Minister, Tabernacle Baptist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mr. Stith led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this time.

15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

05SN0329

In Midlothian Magisterial District, LBV INVESTMENTS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling or less per acre. This request lies on 50.7 acres fronting approximately 2,990 feet on the east line of Route 288 approximately 2,600 feet north of Midlothian Turnpike. Tax IDs 716-713-Part of 5414 and 717-708-Part of 2972 (Sheets 1 and 5).

Mr. Turner presented a summary of Case 05SN0329 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the Planning Commission's recommendation is acceptable.

On motion of Mr. Barber, seconded by Mr. Warren, the Board approved Case 05SN0329 and accepted the following proffered conditions:

1. Master Plan. The Textual Statement dated June 16, 2005, and revised October 25, 2005, shall be considered the Master Plan. (P)
2. Buffers. All required buffers shall be located within recorded open space. (P)
3. Density. The maximum density of this development shall not exceed forty-six (46) lots. (P)

4. Foundations. All exposed portions of the foundation and exposed piers supporting front porches of each dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
5. Driveways. All private driveways shall be hardscaped. The exact treatment shall be approved at the time of plan review. (P)
6. Street Trees. Street trees shall be provided along both sides of all public roads within the development. (P)
7. Sidewalks. Sidewalks shall be provided that facilitate pedestrian access within the development. Generally, sidewalks shall be located on both sides of public roads. (P)
8. Focal Point. A minimum of 0.75 acres of open space shall be provided within the development to provide a "focal point". Part of the focal point area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include an area devoted to best management/storm water facilities. The focal point shall be developed concurrent with the phase of development that the focal point is intended to serve.
9. Garages. Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P)
10. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (P)
11. Senior Housing. Any dwelling units designated for senior housing as outlined in Proffered Condition 10 shall be noted on the subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
12. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - A. The applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements within the service district for the property:
 - i. If payment is made prior to July 1, 2006, \$6,685.00 per dwelling unit. At time of

payment \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or

- ii. If payment is made after June 30, 2006, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 12.A.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

- B. Prior to the issuance of a building permit for each dwelling unit that is designated "age-restricted", the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:

- i. If payment is made prior to July 1, 2006, \$1,354.00 per dwelling unit. At time of payment \$1,354.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, and \$404.00 for fire stations; or

- ii. If payment is made after June 30, 2006, the amount approved by the Board of Supervisors not to exceed \$1,354.00 per dwelling unit pro-rated as set forth in Proffered Condition 12.B.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

- D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

- 13. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

- 14. Access. Direct vehicular access from the property to the north/south collector ("North Otterdale Road Extended") shall be limited to one (1) public road. The

exact location of this access shall be approved by the Transportation Department. (T)

15. Road Improvements. To provide an adequate roadway system, the developer shall provide the following: road improvements with the initial development of the property:
 - A. Construction of additional pavement along North Otterdale Road Extended at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - B. Construction of two (2) lanes of North Otterdale Road Extended, to VDOT Urban Collector Standards (40 mph) with modifications approved by the Transportation Department, from its current terminus, located north of the property, to just east of the western property line of the parcel identified as Tax ID 7197123765. The exact length and location of this improvement shall be approved by the Transportation Department;
 - C. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 15, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
16. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall pay, prior to recordation of the initial subdivision section, the amount of \$215,090 if paid prior to July 1, 2006, or \$215,090 adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. The payment shall be used for road improvements in accordance with the Board's cash proffer policy. (T)
17. Architectural Treatment. The architectural treatment of all dwelling units shall at a minimum have brick or stone veneer on the front and side facades of the main structure. (P)
18. Open Space. All required buffers and the required 200' sound setback, adjacent to the Route 288 right of way, shall be within recorded open space. In addition to these areas, open space shall be recorded in the general location as shown on the attached Exhibit A. (P)

19. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that all adjacent property owners, the last known representative of Rosemont Homeowners Association and the last known representative of the Midlothian Volunteer Coalition have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for referral to the Planning Commission shall not commence until such certification has been provided. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0167 (Amended)

In Clover Hill Magisterial District, STEMMLE ENTERPRISES LLC requests amendment to Conditional Use Planned Development (Case 87S016) and amendment of zoning district map to permit an automobile service station. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Light Industrial (I-1) District on 1.1 acres fronting approximately 170 feet on the west line of Oak Lake Boulevard approximately 450 feet south of Oak Lake Court. Tax ID 735-690-6552 (Sheet 10).

Mr. Turner presented a summary of Case 06SN0167 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. John Easter, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. King, the Board approved Case 06SN0167, subject to the following condition:

The Textual Statement, dated February 2, 2005, shall be considered the plan of development. (P)
(This condition is in addition to the conditions of approval of Case 87S016.)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0168

In Midlothian Magisterial District, JEFF SMALL requests rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the

property is appropriate for community mixed use. This request lies on 2.2 acres and is known as 8220 Midlothian Turnpike. Tax ID 758-706-9917 (Sheet 7).

Mr. Turner presented a summary of Case 06SN0168 and stated the Planning Commission and staff recommended approval.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Jeff Small thanked the Board for hearing his request.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. Barber made a motion, seconded by Mr. King, for the Board to approve Case 06SN0168.

Mrs. Humphrey stated she appreciates Mr. Small being present at the meeting.

Mr. King called for a vote on the motion of Mr. Barber, seconded by Mr. King, for the Board to approve Case 06SN0168.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0170

In Clover Hill Magisterial District, ROGER L. TUTTLE requests a Conditional Use and amendment of zoning district map to permit a two (2) family dwelling in a Residential (R-7) District. Residential use of up to 4.84 units per acre is permitted in a Residential (R-7) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 0.3 acre and is known as 13624 Northwich Drive. Tax ID 729-679-7489 (Sheet 15).

Mr. Turner presented a summary of Case 06SN0170 and stated the Planning Commission and staff recommended approval subject to conditions.

Mr. Roger Tuttle stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 06SN0170, subject to the following conditions:

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit, individuals related to them by blood, marriage, adoption or guardianship, foster children, guests and any domestic servants. (P)
2. For the purpose of providing record notice, within thirty (30) days of approval of this request, a deed restriction shall be recorded setting forth the

limitation in Condition 1 above. The deed book and page number of such restriction and a copy of the restriction as recorded shall be submitted to the Planning Department. (P)

3. This Conditional Use shall be granted to and for Roger L. Tuttle or his immediate family only and shall not be transferable nor run with the land. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0175

In Matoaca Magisterial District, HERON POINTE NEIGHBORHOOD, LLC requests amendment to Conditional Use Planned Development (Case 99SN0255) and amendment of zoning district map relative to setbacks and garage orientation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies in a Residential (R-15) District on 39.5 acres fronting approximately 1,350 feet on the south line of Genito Road approximately 1,360 feet east of Otterburn Road. Tax IDs 715-684-7167 and 716-684-4492 (Sheet 9).

Mr. Turner presented a summary of Case 06SN0175 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

In response to Mr. Miller's question, Mr. Scherzer stated the applicant is requesting the amendment because of a change in county policy relative to garage orientation since approval of the Conditional Use Planned Development. He further stated the new policy will allow garages to face the front if they are recessed and do not dominate the streetscape.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 06SN0175 and accepted the following proffered conditions:

1. Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit. (P)

(STAFF NOTE: This proffered condition supersedes Proffered Condition 11 of Case 99SN0255.)

2. Side Yard. Each lot shall have side yards of a minimum of five (5) feet in width or each lot shall have one (1) side yard not less than ten (10) feet in width and one (1) side yard not less than zero (0) feet in width. (P)

(STAFF NOTE: This proffered condition supersedes Item #4 of the Textual Statement for Case 99SN0255.)

(STAFF NOTE: All other proffered conditions of Case 99SN0255 remain applicable.)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

06SN0183

In Bermuda Magisterial District, SPRINT requests a Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public use. This request lies on 1.0 acre fronting approximately twenty (20) feet on the north line of Ecoff Avenue approximately 1,980 feet east of Ivywood Road. Tax ID 783-656-Part of 7299 (Sheet 26).

Mr. Turner presented a summary of Case 06SN0183 and stated the Planning Commission and staff recommended approval subject to conditions.

Mr. Richard Nayduch, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0183, subject to the following conditions:

1. There shall be no signs permitted to identify this use.
(P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
3. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure (P)
4. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning

Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

5. The tower shall not exceed a height of 180 feet. (P)
6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0187

In Dale Magisterial District, CHIMENTO PROPERTIES, LLC requests rezoning and amendment of zoning district map from Light Industrial (I-1) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 9.0 acres fronting approximately 200 feet on the south line of Hull Street Road approximately 550 feet east of Speeks Drive. Tax ID 747-684-0045 (Sheet 10).

Mr. Turner presented a summary of Case 06SN0187 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. William Shewmake, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

Mr. Barber excused himself from the meeting.

No one came forward to speak to the request.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved Case 06SN0187 and accepted the following proffered conditions:

1. Within 200 feet of the ultimate right-of-way of Hull Street Road, uses permitted shall be restricted to those permitted by right or with restrictions in the Community Business (C-3) District. (P)
2. The rear yard setback for all buildings, parking and drives shall be a minimum of 100 feet depth. This 100 foot area shall be landscaped so as to minimize the view of the development from the adjacent property to the south. The exact species, size and location shall be determined at the time of site plan review. (P)

3. Unless modified by the Planning Commission at the time of site plan review based upon a determination that an alternative design or other measures would provide effective screening comparable to that required herein, buildings located within 150 feet of the southern property line shall be oriented generally parallel to the southern property line with no openings within the rear (southern) wall of the buildings, except for fire exits, as specifically required by the Fire Department. Where there are breaks between the buildings located within 150 feet of the southern property line, a solid wall constructed of materials compatible with the buildings shall be installed between the buildings. Unless modified by the Planning Commission as discussed herein, there shall be no driveway or parking areas located between the buildings and the southern property line. (P)
4. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to one (1) existing entrance/exit (i.e., Hendricks Road), located at the western property line. (T)
5. Prior to issuance of an occupancy permit, additional pavement shall be constructed along Route 360 at the Hendricks Road intersection to provide a right turn lane, based on Transportation Department standards. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this road improvement. Provided, however, in the event the developer is unable to acquire any "off-site" right-of-way that is necessary for such improvement, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

Ayes: King, Miller, Humphrey and Warren.

Nays: None.

Absent: Barber.

Mr. Barber returned to the meeting.

06SN0208

In Clover Hill Magisterial District, GREGG W. BECK requests rezoning and amendment of zoning district map from Corporate Office (O-2) to Light Industrial (I-1) plus Conditional Use to permit use exceptions. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.51 to 4.0 units per acre. This request lies on 2.1 acres and is known as 413 Branchway Court. Tax IDs 742-705-5897 and 742-706-8009 (Sheet 6).

Mr. Turner presented a summary of Case 06SN0208 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. Gregg Beck stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved Case 06SN0208, subject to the following condition:

In addition to Light Industrial (I-1) uses, the following uses shall be permitted:

- a. contractor's offices and display rooms;
- b. electrical, plumbing and heating supply sales, service and related display rooms; and
- c. repair services, excluding motor vehicle repair (P)

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0242

In Bermuda Magisterial District, JEANETTE A. AND JOHN M. YOUNG request a temporary manufactured home permit to park a temporary manufactured home in a Residential (R-7) District and amendment of zoning district map. The density of such amendment is approximately 1.25 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre. This property is known as 3032 Freedom Lane. Tax ID 787-688-2995 (Sheet 12).

Mr. Mike Janosik presented a summary of Case 06SN0242 and stated staff recommended denial because the temporary manufactured home does not meet traditional single-family dwelling design standards, and the applicants have not provided information that would justify allowing a manufactured home to be placed on the same parcel as an existing dwelling in a residential district.

Mr. Kevin Boynton, representing the applicant, stated he wants to place a mobile home on the property of his in-laws to assist his partially disabled father-in-law with yard maintenance and provide convenience and affordability for he and his wife. He stated the request is strictly temporary, while his father-in-law is going through rehabilitation. He displayed a photo of the manufactured home he wants to place on the property, indicating that the location is ideal because it is at the end of a dead-end street and is surrounded by dense woods. He provided photos depicting the condition of other properties in the surrounding neighborhood, indicating that the manufactured home will not have an adverse impact on the area. He stated the subject property is zoned Residential (R-7), and is designated for 2.5 to 4 units per acre, indicating that the 1.5 acre parcel is more than adequate for a manufactured home along with the existing single-family dwelling. He further stated, should

the Board approve the request, Planning staff has recommended the imposition of conditions, indicating that the conditions are acceptable to the applicant. He stated the permit would only be needed for a maximum of three to four years, rather than the seven-year period suggested by staff.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. King stated he appreciates Mr. Boynton's desire to help his father-in-law.

Mr. King then made a motion, seconded by Mr. Miller, for the Board to approve Case 06SN0242 for a three-year period, subject to the conditions.

Mr. Miller stated it is important for single-family neighborhoods to maintain their integrity, but the applicant has demonstrated a good reason for the Board to deviate from staff's policy regarding the placement of manufactured homes in residential districts.

Mr. King called for a vote on his motion, seconded by Mr. Miller, for the Board to approve Case 06SN0242, subject to the following conditions:

1. The applicants' daughter and her immediate family shall be the owners and occupants of the temporary manufactured home.
2. This temporary manufactured home permit shall be granted for a period not to exceed three (3) years from date of approval.
3. No lot or parcel may be rented or leased for use as a temporary manufactured home site nor shall any temporary manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a temporary manufactured home. All temporary manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

06SN0189

In Bermuda Magisterial District, HUNT INVESTMENTS, L.L.C. requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.00 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre and 7.01 or more units per acre. This request lies on 5.2 acres located in the southwest quadrant of the intersection of Chippenham Parkway and

Strathmore Road. Tax IDs 787-685-1792, 6487 and 6794; and 787-686-6406 (Sheet 12).

Mr. King stated he plans to recommend that the request be remanded to the Planning Commission for further review because of the fast track it has taken in coming to the Board, unless there are objections that cause him to change his mind. He inquired whether anyone present would like to speak to the case being remanded to the Planning Commission.

Mr. John Easter, representing the applicant, stated this is a rehabilitation case with very important tax credits. He further stated the reason for the urgency of a Board decision tonight is the March 10, 2006 annual deadline for applying for tax credits, indicating that the applicant does not support remanding the case to the Planning Commission.

Mr. King stated the Board will honor the applicant's request and hear the case at this time.

Ms. Beverly Rogers presented a summary of Case 06SN0189 and stated the Planning Commission recommended denial, indicating that area residents' concerns had not been adequately addressed. She further stated staff recommended approval, subject to the applicant fully addressing the impact of the development on capital facilities. She stated the request complies with the Jefferson Davis Highway Corridor Plan on that portion of the property suggested as appropriate for residential use of 7.01 or more units per acre and provides an opportunity to revitalize the area. She further stated the applicant has only agreed to address the impact of the additional units on capital facilities, noting that the Board's cash proffer policy states that credit should not be given unless a development proposal gives substantial upgrades to current design or development standards and ordinance requirements.

In response to Mr. Miller's question, Ms. Rogers stated the current development consists of 44 units that were built in the 1960s with few amenities like those that are seen with new multi-family residential development. She further stated the current ordinance requires a certain amount of landscaping, open space and green space that is not present in the current project. She stated there are 78 units proposed for the new development.

Mr. Miller inquired about the proposed development being given to the Bensley Civic Association at some point in time in the future.

Mr. John Easter, representing the applicant, stated at the end of a 15-year period, there is a provision giving the first option of acquiring the proposed development to a non-profit organization, but it is not the Bensley Civic Association. He further stated, since the Planning Commission meeting, a meeting was held with a group of tenants in the existing units, who have indicated they want assurance that they will be able to move directly from the existing units into the new units. He stated the Bensley Civic Association has requested that the proposed development not include 3-story buildings, and the developer has agreed that none of the buildings on the site would be more than 2 stories. He further stated he has provided Mr. King with language for two

conditions to address the concerns of both the tenants and the civic association.

Mr. Ron Hunt, developer of the proposed development, stated Genesis Properties and Hunt Investments, LLC has renovated over 400 homes in the past 10 years in the Richmond area and provided details of numerous awards that Genesis and Hunt have won for renovations. He further stated he plans to demolish the current 44 units on 1.8 acres and the uninhabitable house next door to it and replace them with 78 units on 5.2 acres. He expressed concerns relative to the condition of the current development and stated rehabilitating the units would not be in the best interest of the county or the neighborhood. He stated concerns expressed by the neighborhood include the addition of 33 units and construction of 3-story buildings rather than 2-story. He stated the developer has agreed to building 2-story buildings, but cannot agree to building less than the 33 new units because it is not a viable economic option. He further stated, after meeting with existing tenants, the developer has decided to construct two buildings before any demolition occurs, so they will have the option to move into their new units. He stated the developer has agreed to pay for each tenant to move either into a new unit or into other housing within 10 miles. He further stated the residents who attended the meeting support the project. He provided details of various amenities that will be included in the new development and the rental cost of the current and proposed new units. He stated the developer could renovate the existing units and build approximately 30 new units on the additional 3.3 acres, but this would not be in the best interest of the county. He further stated Planning staff supports the project because it makes practical sense and is in the best interest of the county and the neighborhood. He requested the Board's approval of the proposed development.

In response to Mr. King's question, Mr. Hunt stated the tax credits produce so much equity to the property that the rents can remain low and amenities can be provided for the tenants.

Mr. King called for public comment.

Mr. David Day stated he supports the proposed development as long as the residents are able to move directly into the units.

Mr. C. L. Morrisette, Jr. stated the project represents affordable housing, which is necessary for the future of county residents. He further stated the development will also help the county to adhere to state mandates for providing affordable housing.

Ms. Monique Lane stated she supports the proposed development as long as the residents can remain in their current homes until it is built.

Ms. Margaret Davis, President of the Bensley Area Civic Association, stated the association is very concerned that the current tenants of Parkway Gardens not be displaced. She further stated area residents would like to see two-story buildings with no more than 50 units. She expressed concerns that the application was filed November 10, 2005, but no attempt was made for the developer to meet with area

residents until the end of January. She requested that the Board deny the case.

Ms. Renee Eldred provided a map depicting apartment complexes in the area and expressed concerns that the majority of the apartment complexes are located in the Bermuda District. She stated the County Code requires 20 acres for new apartment complexes with 10 units per acre, and the proposal calls for 78 units on 5.2 acres. She further stated the Bensley area does not need any more apartment complexes. She expressed concerns relative to granting the applicant credit for the 44 current units under the Board's cash proffer policy, indicating that this money could be used to address transportation needs. She stated the project could be good for the neighborhood if the density was reduced to 50 units, thereby not impacting the area with too much additional traffic.

Mr. Brian Howard, who lives across the street from the current development, expressed concerns that additional traffic would be bad for the neighborhood.

Ms. Rose Witt, a resident who lives directly across from the proposed development, stated no more apartments are needed in the neighborhood. She inquired why the county has not taken action to bring the current units up to County Code standards. She expressed concerns relative to the impact of the development on traffic and schools and inquired whether the current residents are guaranteed that their rent will not substantially increase if they move into the new units.

Mr. Dave Anderson, a Board member of Partnership for Workforce Housing, expressed concerns relative to references that have been made about low income being tied to crime, indicating that this is not true. He stated other communities would be thrilled to have someone like Mr. Hunt revitalizing their area. He further stated this is a great opportunity for the county.

Ms. Ree Hart, Vice-President of the Jefferson Davis Association and Chairman of its Redevelopment Committee, expressed concerns that the organization has not had an opportunity to review the proposal in detail. She also expressed concerns relative to the proposed density, indicating that 14 units per acre is too high as compared to the county standard of 10 units. She stated concerns have been expressed about an exception to the 20-acre minimum for apartment complexes and an exception to the minimum requirement for open space. She further stated there is a great deal of affordable housing in the Jefferson Davis Corridor that is in need of attention. She stated the proposal could be good for the area, but there has not been enough time to work out the details of the development. She further stated she supports Mr. King's suggestion to remand the case to the Planning Commission, indicating that tax credits will be available for the developer next year.

Mr. Rick Young, President of the Jefferson Davis Association, stated there needs to be a valid reason for fast tracking a development, but he does not see it in this case. He further stated, although he is impressed with the development, the original intention of the developer was to displace the current tenants, and it was only after the associations got

involved that the tenants' needs were considered. He stated he sees no reason to be hasty in approving the request, indicating that he supports remanding the case to the Planning Commission.

Mr. Tom Wilkinson stated affordable housing is necessary for police officers, teachers and others who provide services in the county. He further stated this proposal represents an opportunity to bring federal funding to the county to help residents in need of affordable housing.

Mr. Ron Hunt apologized for the fast track of the project. He further stated the applicant has addressed the neighborhoods' concern relative to height of the proposed development, as well as all of the tenants' concerns. He stated the density cannot be reduced and the project remain feasible. He further stated the amenities and rental figures are guaranteed in writing in the application to the Virginia Housing Development Authority. He stated the traffic issue is not with the current or future apartments, but a result of the Defense Supply Center closing its main entrance on Jefferson Davis Highway. He further stated the neighborhood expressed concerns about density of the proposed development, yet was supportive of his proposal to purchase a 19-acre trailer park on Jefferson Davis Highway and convert it into an affordable housing development for seniors, and also indicated they would support the proposed development if it were age-restricted. He stated density is not the problem, but who is going to live there. He further stated he is proud to be able to provide affordable housing for people who cannot live in decent housing because they don't make enough money.

There being no one else to speak to the request, the public hearing was closed.

Mr. Barber stated he sees a lot more good in the proposal than he does bad, indicating that, in spite of the fact that there will be more units, the area will receive a significant visual improvement and the tenants will receive an improved standard of living. He further stated, if there was no deadline for the tax credit, he would support remanding the case to the Planning Commission.

Mr. King inquired whether there are conditions in place that will guarantee the residents that they can remain in place until the new units are ready for occupancy.

Ms. Rogers stated Proffered Condition 8 would require that all existing units be removed prior to additional units being constructed. She further stated the applicant has agreed to the Board imposing a condition that all existing dwelling units would be removed within 60 days of the issuance of a final certificate of occupancy, indicating that the condition does not guarantee that the current dwelling units would remain until the new dwelling units are constructed.

Mr. King stated he cares greatly about improving the quality of life for county residents. He expressed concerns relative to the short amount of time to study this proposal. He stated the Board is very sensitive to the needs of low-income residents, and he agrees that more affordable housing is needed in the county. He further stated he has an uneasiness

about the development and feels that moving on the request at this time would preempt the revitalization work that has been done by the Jefferson Davis Association. He stated county residents are more important than federal dollars, and he is not satisfied that the issue of the current tenants having a place to live has been addressed. He further stated he does not have enough information to make an intelligent decision at this time, indicating that the Planning Commission needs to further review the request.

Mr. King then made a motion, seconded by Mr. Miller, for the Board to remand Case 06SN0189 to the Planning Commission.

Mrs. Humphrey stated diverse affordable housing is going to be necessary in older neighborhoods. She further stated, although the proposed development is exceptional, the residents need additional time to have their concerns addressed. She implored the Jefferson Davis Association to work to address the prejudice of the citizens towards affordable housing in the Jefferson Davis Corridor.

Mr. King called for a vote on his motion, seconded by Mr. Miller, for the Board to remand Case 06SN0189 to the Planning Commission.

Ayes: King, Miller, Humphrey and Warren.
Nays: None.
Abstain: Barber.

Mr. King requested a ten-minute recess.

Reconvening:

06SN0120

In Dale Magisterial District, CP COURTHOUSE LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for light industrial and regional mixed uses. This request lies on 116.0 acres fronting in two (2) places for a total of approximately 650 feet on the east line of Courthouse Road fronting approximately 1,970 feet on the west line of Newbys Bridge Road and approximately 320 feet on the south line of Burnett Drive. Tax IDs 754-676-4609 and 755-677-2504 (Sheets 16 and 17).

Ms. Rogers presented a summary of Case 06SN0120 and stated the Planning Commission recommended approval of the requests for rezoning and waiver to street connectivity requirements, indicating that the proposal represents a quality project and the prohibition of road connection to Burnett Drive would minimize the traffic impact of the development on Burnett Drive. She stated staff recommended denial of the rezoning request because the proposed zoning and land uses do not conform to the Central Area Plan, and residential development would be an encroachment into an area designated for future

economic development. She further stated it is staff's opinion that standards for the waiver to connectivity have not been met.

Mr. John Cogbill, representing the applicant, introduced Mr. Bill Slenker, Mr. Rick Saunders and Mr. Dave Saunders, members of the Slenker Land Team who were present at the meeting to request the Board's approval of the proposed development, which has been in the works for over two years. He stated, although a portion of the subject property lies within the area designated by the Plan for light industrial, another part is in the area designated for regional mixed-use. He further stated the proposed development is consistent with regional mixed-use, and if you slightly expanded the area designated for regional mixed-use, the entire property would be within that designation. He noted there should be some flexibility with a Plan that is nine years old. He stated Burnett Road is a prescriptive road with only homes along its narrow boundaries, and access is restricted by preexisting development constraints, including documented wetlands. He further stated the project, by its design, already provides adequate access from two intersections with the new arterial road to be developed by Slenker Land, so that there would be no direct access from this property onto Courthouse Road or Newbys Bridge Road. He stated providing connectivity to Burnett Road would change the character of this quiet, country road by adding additional traffic.

Mr. Rick Saunders stated the proposed development provides for an age restriction of 55 or better for one resident of each unit and no permanent residents under the age of 19. He further stated the project will not impact county schools, will generate less traffic, and will be a positive tax generator. He provided details of the amenities and architectural elements for the proposed development. He noted the county's population in excess of 55 is growing by 32% from 2005 to 2010, and there is no fully amenitized active adult community in Chesterfield today. He stated the subject property is surrounded by existing residential communities and is not located within the flight zone of the County Airport. He provided details of the fiscal impact of the proposed development and compared daily vehicular trips for light industrial use with those of the proposed development. He stated the developer has agreed to extend sewer from its existing terminus at the Airport Industrial Park through five property owners to serve the subject property, thus opening up additional properties for development as light industrial. He further stated Transportation staff supports the proposal, indicating that the developer will provide improvements on Newbys Bridge Road and Courthouse Road, as well as provide the first leg of the east-west arterial road that will ultimately extend to Whitepine Road. He stated the developer has avoided the wetlands by not connecting to Burnett Drive. He noted area residents do not want a connection to Burnett Road, and neither Transportation staff nor the Fire Department requested the connection. He stated the proposed development will include a mixture of single family homes, villa homes, and luxury condominiums, indicating that there is wide community support for the proposal.

Mr. King called for public comment.

Mr. Ira Crouch, a resident of 5801 Courthouse Road and part owner of the subject property, stated the proposed development will be a vital addition to the area and a more preferable use than light industrial. He further stated he has had no success in selling his property for light industrial use because there is no market for light industrial in the area. He stated he believes the proposal will provide a greater tax revenue than any other use, and requested the Board's approval.

Ms. Grace King, an owner of the subject property and resident of 5821 Courthouse Road, stated she supports the rezoning because she feels the proposed development would be more suitable than an industrial zoned development.

Ms. Irene Eagles, an owner of the subject property, stated she feels the project is the best use for the property.

Ms. Amber Cole, a resident of Newbys Bridge Road, stated she agrees this is probably the best use for the property. She expressed concerns that the access to the proposed development will be just north of her driveway in the vicinity of a blind curve and a hill, and she feels it would better benefit the area if the road were located further north on Newby's Bridge Road. She stated she is also concerned about the proposed connection between Whitepine Road and the new development, which would include her property, indicating that she has no intention of selling or developing the property. She suggested that the condominiums proposed to back up to Newbys Bridge Road be moved further within the development so that only single-family homes would be seen, consistent with what is currently in the area.

Ms. Lydia Ballard, a resident of Creekwood Subdivision, stated she supports the proposed development and does not want the property developed as light industrial.

Mr. Ed DeGennaro, representing the Newbys Bridge Road Area Coalition, stated the county needs senior friendly housing. He further stated the proposal provides for walking trails, green space and open space. He stated, when you balance the benefits of the proposed first-class development, he sees it as a better use than light industrial, noting that the citizens in his neighborhood do not want light industrial development. He further stated approval of the project will set the architectural tone for this stretch of Newbys Bridge Road.

In response to Mr. Warren's question, Mr. DeGennaro stated the overwhelming majority and leadership team of the Newbys Bridge Area Coalition supports the project and sees it as a focal point for future development.

Mr. Dave Kochheiser, representing Southside Nazarene Church, stated he supports the rezoning and feels it is an appropriate use of the property.

Mr. Dennis Pace, a resident of Celestial Lane, stated he supports the project and believes it will set a very vital tone for the future of the area.

Mr. Charles Greenburg, representing the property owners immediately south of the subject property, stated the proposed road improvements and utilities will jump start the entire area economically and make it easier to develop. He further stated there is enough industrial zoned property in the county to meet the demands for many years, indicating that the adjoining property owners support the proposed development.

Ms. Joan Woodcock-Valente requested the Board's approval of the proposed development, indicating that it will be an asset to the community.

Mr. John Cole, a property owner on Newbys Bridge Road, stated he supports the proposed development.

There being no one else to speak to the request, the public hearing was closed.

Mr. John Cogbill stated he believes vehicular traffic will avoid the area Ms. Cole was concerned about. He further stated the applicant has moved the condominiums further back into the development and increased landscaping to address aesthetic concerns. He noted the Central Area Plan is a guide that is in need of updating. He stated the proposed development represents a great use for the subject property.

In response to Mr. Miller's question, Mr. McCracken stated he is satisfied with the road improvements proposed by the developer.

In response to Mr. Miller's question, Ms. Rogers confirmed that the property is not located within the typical flight pattern of the County Airport.

Mr. Miller stated, when the Central Area Plan was formulated, this property was designated as light industrial to protect and enhance the area around the airport. He further stated the proposed transportation enhancements will improve the area, and the sewer easements will provide assistance for future development. He expressed concerns relative to deviating from the Plan, but indicated he has had nothing but support from area residents. He stated he believes the developer will provide a first-class project, and he is proud to have it in the Dale District. He further stated, although the proposal represents an infringement into the outside portion of the area designated for light industrial, it will complement future regional mixed uses, and he sees it as an economic plus to the county.

Mrs. Humphrey stated she never thought this property was destined for light industrial. She further stated the project will enhance the area much more than a light industrial project would. She requested that the proposed access be realigned during the site planning process so as to not interfere with Ms. Cole's visibility when accessing her property.

Mr. Miller stated, until a determination is made that light industrial is no longer appropriate for the area, he does not intend to make this case a precedent for other projects, indicating that he intends to look at every proposal individually, in terms of quality development.

Mr. Miller then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 06SN0120.

Mr. King stated he lives in an age-restricted community and agrees with the applicant that there is an incredible need in the county for projects such as this.

Mr. King then called for a vote on the motion of Mr. Miller, seconded by Mrs. Humphrey, for the Board to approve Case 06SN0120 and accept the following proffered conditions:

The Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 755-677-2504 and 754-676-4609 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-TH with Conditional Use Planned Development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated November 30, 2005 and the Zoning Plan prepared by Timmons Group dated July 22, 2005 (the "Zoning Plan") shall be considered the Master Plan. (P)
2. Number of Dwellings. The maximum number of dwellings to be permitted on the Property shall be five hundred and twenty five (525). A minimum of one hundred (100) Cluster Residential dwellings and a minimum of one hundred (100) Townhouses, as defined in the Textual Statement, shall be provided within the development and a maximum of two hundred and twenty five (225) Multi-family Condo dwellings, as defined in the Textual Statement, shall be provided within the development. No more than one hundred and twenty five (125) building permit applications shall be submitted for Multi-family Condo dwellings until one hundred (100) building permits have been issued for Cluster Residential dwellings and/or Townhouses. (P)
3. Utilities. Public water and wastewater systems shall be used. (U)
4. Timbering. With the exception of timbering that has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to "housing for older persons" as defined in the Virginia

Fair Housing Law and no persons under 19 years of age shall reside therein. (P)

6. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the Property:
 - a. \$10,269 per dwelling unit if paid prior to July 1, 2006. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$10,269 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. At the option of the Transportation Department, the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Conditions 6. (a) above, exclusive of those road improvements identified in Proffered Condition 14, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
 - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)
7. Stormwater Management. The developer shall provide onsite retention, culvert improvements in Newbys Bridge Road, or a combination of both in order to provide drainage capacity across Newbys Bridge Road that meets State criteria. Alternative stormwater measures may be approved by the Director of Environmental Engineering at the time of subdivision or site plan submission if shown that these measures provide adequate protection of the road crossing. (EE)
8. Buffers and Screening.
 - a. All required buffers shall be located within recorded open space.
 - b. A decorative screening fence a minimum of six (6) feet in height shall be installed along the perimeter of the residential portions of the Property where the Property does not abut a public road; provided that, in lieu of the screening fence the developer may elect in some areas to protect

and preserve a twenty (20) foot wide perimeter tree preservation buffer. No trees that are six (6) inches in caliper or greater shall be cut down within any tree preservation area; provided that, dead trees or diseased trees may be removed and landscaping, screening, signs, security fencing, utilities and roads which generally shall run perpendicular through the buffer, and pedestrian walkways may be permitted within any tree preservation buffer through subdivision or site plan review. (P)

9. Foundations. All exposed portions of front and side foundations and exposed piers supporting front porches of each dwelling unit shall be faced with brick, stone veneer, stucco, or exterior insulation and finishing systems (EIFS) materials. (P)
10. Building Design, Materials, Orientation. Building designs within the development shall be compatible in architectural style to the clubhouse design shown on Exhibit A. The dwelling units and the clubhouse shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or premium grade vinyl siding. All dwelling units shall be oriented towards an internal road network within the development, away from Newbys Bridge and Courthouse Roads. (P)
11. Dedications of Right-of-Way. In conjunction with the recordation of the initial subdivision plat, prior to any site plan approval, or no earlier than one (1) year from the date of approval of this rezoning request by the Board of Supervisors and within sixty (60) days from a written request by the Transportation Department, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 - a. A ninety (90) foot wide right-of-way for the east/west major arterial (the "East/West Arterial") based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department from Newbys Bridge Road through the southern part of the Property to Courthouse Road. The alignment of this right-of-way shall be as generally located as shown on the Master Plan. The exact location of this right-of-way shall be approved by the Transportation Department.
 - b. Forty-five (45) feet of right-of-way on the west side of Newbys Bridge Road measured from the centerline of that part of Newbys Bridge Road immediately adjacent to the Property. (T)
12. Public Streets. All streets that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

13. Vehicular Access.

- a. Vehicular access to Tracts A and B, as identified on the Zoning Plan, from the East/West Arterial shall be limited to two (2) public roads. One of these public road accesses (the "Main Entrance") shall be generally located on the East/West Arterial approximately midway between Courthouse and Newbys Bridge Roads. The other public road access shall be generally located on the East/West Arterial approximately midway between the Main Entrance and Newbys Bridge Road. (T)
- b. Vehicular access to Tract C1, as identified on the Zoning Plan, from the East/West Arterial shall be located approximately midway between Courthouse Road and the Main Entrance. This access shall be limited to right turns-in/right turns-out only.
- c. There shall be no direct vehicular access to Tract C2, as identified on the Zoning Plan, from the East/West Arterial.
- d. The only vehicular access to Courthouse Road from the Property shall be the East/West Arterial. The only vehicular access to Newbys Bridge Road from the Property shall be the East/West Arterial.
- e. No direct vehicular access shall be provided from the Property to Burnett Drive.
- f. The exact location of all vehicular accesses shall be approved by the Transportation Department. (T)

14. Road Improvements. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. If any of these improvements are provided by others, then the specific improvement shall no longer be required by the Developer, as determined by the Transportation Department:

- a. Construction of two (2) lanes of the East/West Arterial, to VDOT Urban Minor Arterial (50 MPH) standards with modifications by the Transportation Department, from Courthouse Road to Newbys Bridge Road.
- b. Construction of a raised median within the East/West Arterial from Courthouse Road to approximately two hundred (200) feet east of the access to the Tract C1, as identified in Proffered Condition 13.b. The exact design and length of this improvement shall be approved by the Transportation Department.
- c. Construction of additional pavement along the East/West Arterial at each approved access to the Property to provide left and/or right turn lanes, if warranted, based on Transportation Department standards.

- d. Construction of additional pavement along Newbys Bridge Road at the East/West Arterial intersection to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - e. Construction of additional pavement along Courthouse Road at the East/West Arterial intersection to provide a right turn lane.
 - f. Construction of a three (3) lane typical section for the East/West Arterial at the Courthouse Road and at the Newbys Bridge Road intersections. The exact length of these improvements shall be approved by the Transportation Department.
 - g. Full cost of traffic signalization at the intersection of Courthouse Road and the East/West Arterial, if warranted as determined by the Transportation Department. The responsibility of the developer for the cost of traffic signalization at this intersection shall terminate ninety (90) days after full development of the Property, as determined by the Transportation Department.
 - h. Widening/improving the west side of Newbys Bridge Road to an eleven (11) foot wide travel lane, measured from the centerline of the existing pavement with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of Newbys Bridge Road with one and one-half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
 - i. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department. (T)
15. Transportation Phasing Plan. Prior to site plan approval or tentative subdivision plat approval, which ever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 14 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require construction of the road improvements, as described in the Proffered Condition 14. (a), (d), (e), (f), and (h) with initial development on the Property. (T)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

Mr. Miller then made a motion, seconded by Mrs. Humphrey, for the Board to approve the request for waiver to connectivity in Case 06SN120.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER AN AMENDMENT TO THE 2006 PROCEDURES OF THE BOARD OF SUPERVISORS TO PROVIDE FOR A CITIZEN COMMENT PERIOD AT BOARD MEETINGS

Mr. Ramsey stated the Board continued the February 22, 2006 public hearing to consider amendments to the 2006 Procedures of the Board of Supervisors to provide for a citizen comment period at Board meetings until this date and time. He further stated he is recommending the addition of a 30-minute time period at end of the evening agenda for citizen comment to items not on that day's agenda; that speakers be limited to 5 minutes each; and that citizens must notify the Clerk by 5 p.m. the day before the Board meeting of their intent to speak.

Mr. King called for public comment.

Mr. Bob Herndon stated he supports the proposed amendments and believes they are a step in the right direction. He further stated he supports both reduction of the notification period and removal of the administrative screening of speakers. He encouraged the Board to move the public comment period forward on the agenda and send a clear statement to the citizens regarding the importance of public comment. He expressed concerns that citizens perceive a lack of interest by the Board in receiving public input and encouraged the Board to make note of the perception and incorporate it in the implementation of the citizen comment policy.

Ms. Cathy Kirk stated the proposed amendments can only alter the structure of the public hearing, as the judgment of the chairman will determine the actions necessary to order the public hearings. She urged Board members to focus on speakers' public concerns and avoid temptations to react to personalities or perceived political agendas. She requested that Board members tolerate a person's right to publicly disagree and criticize their judgment and actions as public servants, indicating that such comments are protected as freedoms of speech. She expressed concerns that there has never been an investigation regarding the incident where she forced to leave the meeting room, and then later the building, several months ago, and inquired how the new procedures will prevent the abuse of power she encountered. She inquired whether the Board condones threats of force by the sergeant at arms to remove peaceful speakers once they have exited the meeting room, and recommended that the Board consider this in addition to the proposed procedural amendments, which will have no impact on an event like she encountered. She stated she has come to realize that the public podium is useless in directing change in county government and challenged the Board to do more and correct

the perception that the Board is not open enough to its citizens.

Mr. Mike Kirk stated citizens have a basic right to speak to the Board of Supervisors. He further stated the order of the meeting is the prerogative of the chairman, but the authority of order does not extend beyond the doors of the Public Meeting Room. He stated an apology is long overdue to his wife, Cathy, for the extreme inappropriate judgment that was exercised when she was forced to leave the building following a public hearing. He further stated no one should fear harassment or retaliation from speaking at the podium, and provisions should be put into place to make sure this does not happen again.

Mr. King requested that Mr. Ramsey look into the allegations surrounding Ms. Kirk being asked to leave the building.

Mr. Barber stated when Ms. Kirk finished her comments and was headed back to her seat, the deputy pointed to the door and she walked into the hallway. He further stated, after business was concluded and the meeting adjourned, the deputies' responsibility is to clear the building, indicating that Ms. Kirk was not asked to leave the building because of her remarks at the podium, but because the meeting had adjourned and the building was empty. He stated the deputy was unaware that Ms. Kirk's ride had lingered in the room talking with a Board member when he asked her to exit the building, as he does to everyone at the end of every meeting.

Mr. Kirk requested that Mr. King continue looking into the incident.

Mr. Warren stated he appreciates Mr. King having the County Administrator look into the events that occurred when Ms. Kirk was asked to leave the building.

Mr. King stated this is the first time he recalls hearing anything about misconduct regarding the incident.

Mr. Miller stated, under no circumstances, should anyone ever be removed from a building unless they are exercising out of control behavior and breaching the public peace.

Mr. C. L. Morrisette, Jr. stated he has researched the law and Board members cannot stop citizens from voicing their opinions. He further stated he believes the public comment period should be somewhere between 7 and 9 p.m. to allow students and others an opportunity to speak at a reasonable time. He expressed concerns relative to public hearings that go past 10 p.m., indicating that additional meeting dates need to be added to address this issue. He stated the proposed amendments are a step in the right direction and suggested that the Board hire a parliamentarian to determine whether meetings are being conducted properly.

Mr. Mike Harton, a resident of the Midlothian District, commended the Board for providing a time for citizens to air concerns that are not on the agenda. He requested that citizens not be required to submit their topic in advance. He stated placing a public comment period at the end of the agenda suggests something about the importance placed on public comment. He expressed concerns relative to a Planning

Commission meeting, where he was asked to leave the podium although his comments were relating to deferral at hand, and noted he would have reserved his comments for a public comment time had one been available. He suggested that the public comment time be scheduled somewhere in the middle of the Board's agenda. He stated he agrees with Mr. Miller that there should never be a reason to force someone to leave the building, and he believes the Board owes Mr. and Mrs. Kirk an apology.

Ms. Marleen Durfee stated she hopes the citizen comment period will allow citizens the flexibility to speak with specific rules and guidelines set forth by the county, without having their freedom of speech stifled. She further stated the problem does not entirely rest with the Board's procedures. She stated there is a current perception that citizens have been treated unfairly and have not been welcomed nor heard by the administration. She further stated the Board's treatment of citizens has been deplorable, and she is disturbed that the trust between the county's leadership and its citizens is broken. She stated the Board's procedures include a reasonable list of things that citizens are not allowed to do, indicating that at no time should a Board member interrupt a speaker unless they do not follow what is on the list. She further stated, although she has never violated anything on the list, she has been rudely interrupted by members of both the Planning Commission and the Board of Supervisors. She stated Board members should not comment about a citizen's comments after they leave the podium. She further stated Board members should not publicly try to discredit citizens or organizations, indicating that the Task Force for Responsible Growth is owed an apology by Board members for asking why they were not present to address an issue. She recommended that the Board hire a consultant or have Mr. Ramsey schedule a training session for members of the Planning Commission, School Board and Board of Supervisors regarding the treatment of citizens at public hearings. She stated citizens are the county's most valuable resource, yet the Board has not embraced them that way. She further stated she hopes she will no longer be subjected to what she has been subjected to in the past, and that the Board will understand that differing opinions offer something for them to be in a position to make better decisions for the future of the county.

Mrs. Humphrey stated she is interested in Ms. Durfee's input regarding Ms. Stewart's suggestion at the February 22nd public hearing for consistency among the School Board, Planning Commission and Board of Supervisors' procedures regarding public comment.

In response to Mr. Warren's question, Ms. Durfee stated Ms. Kirk has accurately presented the facts regarding the night she was asked to leave the building, indicating there is a witness who was sitting beside Ms. Kirk that was not asked to leave the building. She stated she recommends an investigation into the incident. She further stated she is appalled that citizens have brought their knowledge to the Board to give them information that would be helpful in making decisions, only to see it dismissed by the Board.

Ms. Andrea Epps stated there are many ways for the Board to look at the timing of a citizen comment period to ensure

fairness for all concerned, and commended the Board for its willingness to change its policy regarding public comment.

There being no one else to speak to the issue, the public hearing was closed.

Mr. Barber suggested that Board members look at the proposed amendments, consider the public input and share what they think might be appropriate with Mr. Ramsey, then have an agenda item at the next meeting incorporating some of the suggestions.

Mr. King requested that Mr. Ramsey and Mr. Micas poll individual Board members and ask for their recommendations. He stated Richmond, Henrico and other jurisdictions use a timer light system to insure equality of speaking time and requested that Board members be polled as to whether they support such a system.

Mr. Miller stated he believes citizens can strongly advocate positions without screaming out from the rear of the meeting room and without refusing to take their seat after several reasonable requests. He further stated he cannot conceive of going into a court of law and utilize personal criticism in attempting to persuade the judge of his client's cause. He stated he does not blame citizens for having strong positions, but believes they can advocate strongly and still maintain a degree of civility.

Mr. King made a motion, seconded by Mr. Barber, for the Board to defer consideration of amendments to the 2006 Procedures of the Board of Supervisors to provide for a citizen comment period until March 22, 2006.

In response to Mr. Warren's question, Mr. Ramsey stated he will provide the Board with a written report as soon as possible regarding the investigation of the incident involving Ms. Kirk.

Mr. King called for a vote on his motion, seconded by Mr. Barber, for the Board to defer consideration of amendments to the 2006 Procedures of the Board of Supervisors to provide for a citizen comment period until March 22, 2006.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

On motion of Mr. Miller, seconded by Mr. Barber, the Board suspended its rules to allow for consideration of agenda items after 11:00 p.m.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

16.B. TO CONSIDER AN ORDINANCE TO VACATE AN EIGHT-FOOT EASEMENT ACROSS LOT 9, WESTBURY, SECTION 2

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate an 8-foot easement across Lot 9, Westbury, Section 2.

Mr. King called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to LEONARD E. ADDAMS and MARNIE E. ADDAMS, ("GRANTEE"), an 8' easement across Lot 9, Westbury, Section 2, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 87, at Page 88.

WHEREAS, LEONARD E. ADDAMS, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate an 8' easement across Lot 9, Westbury, Section 2, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 87, Page 88, by BALZER & ASSOCIATES, INC., dated MAY 1, 1996. The easement petitioned to be vacated is more fully described as follows:

An 8' easement, across Lot 9, Westbury, Section 2, the location of which is more fully shown on a plat made by BALZER AND ASSOCIATES, INC., dated DECEMBER 27, 1999, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the easement hereby vacated in the property owners of Lot 9, within Westbury, Section 2 free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and LEONARD E. ADDAMS and MARNIE E. ADDAMS, or their successors in title, as GRANTEE.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

16.C. TO CONSIDER AN ORDINANCE TO VACATE A TEN-FOOT EASEMENT ACROSS LOT 21, BLOCK F, CRESTWOOD FARMS, SECTION B

Mr. Stith stated this date and time has been advertised for the Board to consider an ordinance to vacate a 10-foot easement across Lot 21, Block F, Crestwood Farms, Section B.

Mr. King called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to DANIEL A. GECKER and ELIZABETH A. GIBBS, (husband and wife), ("GRANTEE"), a portion of a 10' easement across Lot 21, Block F, Crestwood Farms, Section B, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 8, at Page 207.

WHEREAS, DANIEL A. GECKER and ELIZABETH A. GIBBS, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 10' easement across Lot 21, Block F, Crestwood Farms, Section B, MIDLOTHIAN Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 8, Page 207, by JOHN H. FOSTER, dated NOVEMBER 20, 1952, and recorded NOVEMBER 24, 1952. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 10' easement, across Lot 21, Block F, Crestwood Farms, Section B, the location of which is more fully shown on a sketch attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the property owners of Lot 21, Block F, within Crestwood Farms, Section B free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and DANIEL A. GECKER and ELIZABETH A. GIBBS, (husband and wife), or their successors in title, as GRANTEE.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

16.D. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A TWENTY-FOOT SEWER EASEMENT ACROSS LOT 34, MALLORY VILLAGE SECTION A AT CHARTER COLONY

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 20-foot sewer easement across Lot 34, Mallory Village Section A at Charter Colony.

Mr. King called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to STEPHEN C. THOMPSON, JR. and DAVID S. RYDER, ("GRANTEE"), a portion of a 20' sewer easement across Lot 34, Mallory Village Section A at Charter Colony, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 144, at Page 85.

WHEREAS, STEPHEN C. THOMPSON, JR. and DAVID S. RYDER, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 20' sewer easement across Lot 34, Mallory Village Section A at Charter Colony, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 144, Page 85, by YOUNGBLOOD, TYLER & ASSOCIATES, P.C., dated OCTOBER 8, 2003, and recorded JUNE 16, 2004. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 20' sewer easement, across Lot 34, Mallory Village Section A at Charter Colony, the location of which is more fully shown on a plat made by YOUNGBLOOD, TYLER & ASSOCIATES, P.C., dated DECEMBER 2, 2005, and revised JANUARY 18, 2005, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the property owners of Lot 34, Mallory Village Section A at Charter Colony free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and STEPHEN C. THOMPSON, JR. and DAVID S. RYDER, or their successors in title, as GRANTEE.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

16.E. TO CONSIDER THE APPROPRIATION OF INTEREST EARNED FROM THE CHESTERFIELD/APPOMATTOX RIVER WATER AUTHORITY (ARWA) "WATER TREATMENT PLANT EXPANSION PROJECT FUND" TO PAY PROJECT RELATED COSTS

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the appropriation of interest earned from the "Chesterfield/Appomattox River Water Authority Water Treatment Plant Expansion Project Fund" to pay project related costs.

Mr. King called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board appropriated \$778,500 of interest earned from the "Chesterfield/Appomattox River Water Authority Treatment Plant Expansion Project Fund" (the Escrow Fund) to supplement project funds to pay project related costs.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining requests for mobile home permits or rezoning at this time.

18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mr. King, the Board adjourned at 11:32 p.m. until March 22, 2006 at 3:30 p.m.

Ayes: King, Miller, Barber, Humphrey and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

R. M. "Dickie" King, Jr.
Chairman